

1 Honorable Ricardo S. Martinez
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 NATIONAL CITY HOME LOAN
11 SERVICES, INC., a Delaware corporation,

Plaintiff,

v.

12 DENNIS FOISY and JANE DOE FOISY,
13 individuals and the marital estate composed
14 thereof; and DENNIS FOISY TRUSTEE OF
PACIFIC VENTURES LANDHOLD, a trust,

Defendants.

No. C05-0373 RSM

ORDER DENYING DENNIS FOISY,
TRUSTEE OF PACIFIC VENTURE
LANDHOLD'S MOTION FOR
DEFAULT JUDGMENT

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17 The above matter came before this Court on Dennis Foisy, Trustee of Pacific Ventures
18 Landhold's Motion for Default Judgment (the "Motion"). The Court having considered the
19 Motion, Plaintiff's Response to the Motion, and the pleadings and filed herein, the Court finds
20 as follows:

21 1. The counterclaims ("Counterclaims") contained in Defendants' answer are
22 premised on an alleged arbitration award (the "Alleged Arbitration Award") in favor of
23 Dennis Foisy, Trustee of Pacific Ventures Landhold, a trust ("PVL Trust"), and were asserted
24 on behalf of PVL Trust.

25 2. The Motion was brought on behalf of PVL Trust, and signed by Dennis Foisy.

26 ORDER DENYING DENNIS FOISY, TRUSTEE
OF PACIFIC VENTURES LANDHOLD'S MOTION
FOR DEFAULT JUDGMENT - 1
Case No. C05-0373 RSM

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3. Dennis Foisy is not an attorney licensed to practice law in the State of Washington or admitted to practice in the United States District Court for the Western District of Washington.

4. On March 25, 2005, the Court held that Dennis Foisy may not represent the PVL Trust in this litigation and found the PVL Trust to be in default.

5. Because the PVL Trust is in default, and may not appear pro se, neither the Counterclaims or Motion are properly before the Court.

5. PVL Trust would suffer no prejudice as a result of a denial of the Motion.

6. The Court has previously ruled that the Alleged Arbitration Award is meritless and without legal justification. Accordingly, the Counterclaims are without merit.

7. The Defendants offer no factual basis for the Counterclaims.

8. There is a dispute regarding material facts.

9. Plaintiffs had a justifiable belief that the Counterclaims required no answer.

Based on the above findings of fact, it is

ORDERED that Defendants' Motion for Default Judgment is denied in its entirety.

DATED this 16 day of May, 2005.

/s/ Ricardo S. Martinez
UNITED STATES DISTRICT JUDGE

Presented by:

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By /s/ *David C. Neu*

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ORDER DENYING DENNIS FOISY, TRUSTEE

ORDER DENYING DENNIS FOR
OF PACIFIC VENTURES LAND

OF PACIFIC VENTURES
FOR DEFAULT JUDGM

FOR DEFALCATION JUDGMENT - 2
Case No. C05-0373 RSM

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